

S.L.C.


Committee Amendment Proposed by

Mr. Webb (for himself and Mrs. McCaskill)

1 At the appropriate place in title VIII, insert the fol-
2 lowing:

3 **SEC. [ARM09B06]. EXTENSION AND ENHANCEMENT OF AU-**
4 **THORITIES ON THE COMMISSION ON WAR-**
5 **TIME CONTRACTING IN IRAQ AND AFGHANI-**
6 **STAN.**

7 (a) DATE OF FINAL REPORT.—Subsection (d)(3) of
8 section 841 of the National Defense Authorization Act for
9 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230)
10 is amended by striking “two years” and inserting “three
11 years”.

12 (b) ASSISTANCE FROM FEDERAL AGENCIES.—Such
13 section is further amended—

14 (1) by redesignating subsections (f) and (g) as
15 subsections (g) and (h), respectively; and

16 (2) by inserting after subsection (e) the fol-
17 lowing new subsection (f):

18 “(f) ASSISTANCE FROM FEDERAL AGENCIES.—

19 “(1) DEPARTMENT OF DEFENSE.—The Sec-
20 retary of Defense shall provide to the Commission
21 administrative support, including travel and other
22 services, for the performance of the Commission’s

1 functions in carrying out the requirements of this
2 section.

3 “(2) TRAVEL AND LODGING IN COMBAT THEA-
4 TERS.—The administrative support provided the
5 Commission under paragraph (1) shall include travel
6 and lodging undertaken in combat theaters, which
7 support shall be provided on a non-reimbursable
8 basis.

9 “(3) OTHER DEPARTMENTS AND AGENCIES.—
10 In addition to the support required by paragraph
11 (1), any department or agency of the Federal Gov-
12 ernment may provide to the Commission such serv-
13 ices, funds, facilities, staff, and other support serv-
14 ices for the performance of the Commission’s func-
15 tions as the head of such department or agency con-
16 siders advisable, or as may otherwise be authorized
17 by law.”.

Committee Amendment

Offered by Mr. Webb and Ms. McCaskill

At the appropriate place in the Committee Report insert:

Extension of the Commission on Wartime Contracting in Iraq and Afghanistan

The Commission on Wartime Contracting in Iraq and Afghanistan, established in section 841 of the Fiscal Year 2008 National Defense Authorization Act (PL 110-181), is provided a one-year extension in order to achieve expanded review and investigation into wartime contracting consistent with the Commission's charter.

The Commission released its first report, "At What Cost? Contingency Contracting in Iraq and Afghanistan," in June 2009. The Commission's findings and recommendations make important contributions in documenting the extensive problems that continue to exist with wartime-support contracting and what must be done to fix them. The Commission's interim report identifies major areas of emphasis offering the greatest promise for significant reform. Moreover, the commissioners identified a number of critical issues of more immediate concern that require prompt action by the Department of Defense to avoid undermining U.S. objectives in Iraq and Afghanistan and to prevent wasting more U.S. tax dollars. The report has been referred to the Secretary of Defense for a formal response. The report reflects initial phases of the Commission's multifaceted reviews, provides valuable policy findings, and identifies actions requiring immediate attention. It also underscores the full scope of the work that remains for the Commission to complete in order for it to provide greater transparency for interagency wartime contracting and a fuller accounting of the scope of waste, fraud, and abuse that has been experienced in Iraq and Afghanistan. In order to achieve a final report that fully embraces the Commission's charter and that provides not just an accounting of past events and activities, a one-year extension to the Commission's work will lead to more comprehensive, innovative, and informed policy recommendations for improving future wartime contracting practices, policies, and procedures.

The Commission has held two public hearings. It is expected that the Commission will use the increased resources granted to it in this section to substantially increase its public hearings agenda. It is understood that the Commission also wishes to establish a presence in Iraq and Afghanistan and to increase its travel to the combat theaters to facilitate its work and the achievement of its statutory requirements. The Commission should conduct appropriate travel and dedicate appropriate resources to in theater reviews, but should not over-emphasize work in the combat theaters when the preponderance of the investigatory and policy reviews required for its work can be carried out in the United States.

The Commission continues without subpoena authority, but is reminded that statute requires the Commission to notify the "the committees of Congress of jurisdiction and appropriate investigative authorities" when it "is unable to obtain testimony or documents needed to conduct its work." The Commission should not refrain from any necessary reviews that will facilitate its meeting its statutory charter for fear of being unable to secure relevant documentary evidence. Rather, the Commission should make those requests it deems necessary for its review and promptly notify the relevant Congressional committees when it cannot secure documents it seeks.

The Commission shall continue to receive administrative support from the Washington Headquarters Service of the Department of Defense and may continue to receive support from other federal agencies to facilitate its work. The Department of Defense is directed to provide support to the Commission, on a non-reimbursable basis, for its investigatory work conducted in combat theaters including travel and lodging.